

REMARKS

Applicant has amended claims 30 and 31 to make them dependent upon allowed claim 1. Additionally, Applicant has cancelled claim 37 as now being substantially redundant with claim 38.

Applicant appreciates the *Ex Parte Quayle* action of December 15, 2004, wherein the Examiner indicated that claims 1-29 and 32-34 are allowed. The Examiner required cancellation of the non-elected claims 30, 31, and 35-38.

Applicant has rewritten claims 30 and 31 to be dependent upon claim 1 rather than in independent format. Because claim 1 was allowable, claims 30 and 31 should also be allowable. As to claims 35 and 36, these claims now ultimately also depend from claim 1. Because claims 32-34 were held to be allowable, it follows that claims 35 and 36 should also be allowable. Similarly, claim 38 now depends from claim 35. Because claim 35 should be allowable, claim 38, which depends from claim 35, should also be allowable.

Even though originally filed claims 30, 31, and 35-38 were subject to a Restriction Requirement in the prior Office Action, these claims have now been rewritten to depend from allowable claims. Therefore, it is requested these claims proceed to issuance.

The Office Action in its Statement of Reasons for the Indication of Allowable Subject Matter states:

The prior art of record does not teach or suggest the subject matter of claims 1-29 and 32-34, especially the process step of employing a reducing agent to reduce the dispersed organometallic to form dispersed metal particles (step (e) of Applicants' claim 1, for example).

Wai et al. (U.S. Patent No. 6,132,491, Applicants' submitted art) is strongly similar to Applicants' claimed process, with the exception that this reference does not teach or reasonably suggest the presence of a particulate substrate.

Although Applicant agrees that Wai *et al.*, U.S. Patent No. 6,132,491, does not affect the patentability of the instantly claimed invention, Applicant disagrees with the particular wording used above in comparing Wai *et al.* to the claimed invention. Specifically, Applicant disagrees that Wai *et al.* is "strongly similar" to Applicant's claimed process and disagrees with the characterization that there is only one difference between Wai *et al.* and the claimed invention (not teaching or reasonably suggesting the presence of a particulate substrate).

Wai *et al.* is quite different from Applicant's claimed invention in a number of respects. These respects include, but are not limited to, the fact that Wai *et al.*, as the Examiner states, does not teach or reasonably suggest the presence of a particulate substrate. Wai *et al.* also involves a process where the reduction reaction takes place first followed by venting, whereas Applicant's claimed invention is directed to venting the mixture followed by a reducing step. These, as well as possible other differences, do not make Wai *et al.* strongly similar to Applicant's claimed process or claimed products.

Applicant has submitted a Supplemental Information Disclosure Statement. Applicant would appreciate the Examiner's consideration of same and execution of the proper forms to indicate that the Supplemental Information Disclosure Statement has been considered.

Finally, the Office Action cover page in box 10 notes that drawings were filed on March 16, 2004 (the filing date of the Application), but does not note whether they were

ATTORNEY DOCKET NO. 03234.0024U1
APPLICATION NO. 10/801,348

accepted to or objected to by the Patent Office. Applicant would appreciate the Examiner's indication as to whether the drawings are acceptable.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$790.00 is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Mitchell A. Katz

Registration No. 33,919

NEEDLE & ROSENBERG, P.C.

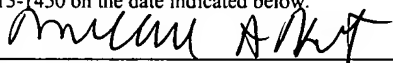
Customer Number 23859

(678) 420-9300 Phone

(678) 420-9301 Fax

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence and any items indicated as attached or included are being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.



Mitchell A. Katz

January 24, 2005

Date